



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 South Coast Region
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GAVIN NEWSOM, Governor
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Governor's Office of Planning & Research

Mar 17 2021

STATE CLEARINGHOUSE

March 17, 2021

Rhonda Benally
 City of San Diego
 1222 First Avenue, MS 501
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DSDEAS@sandiego.gov

Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration Preparation for the College View Apartment Site Development Permit (SDP)/Neighborhood Development Permit (NDP/Planned Development Permit (PDP) (SCH #2021020325)

Dear Ms. Benally:

The Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Intent to adopt a Mitigated Negative Declaration (MND) for the College View Apartment SDP/NPD/PDP Project (Project) dated February 18, 2021. The City of San Diego (City) has an approved Subarea Plan (SAP) and Implementing Agreement (IA) under the Natural Community Conservation Planning program. The MND for the proposed project must ensure and verify that all requirements and conditions of the SAP and IA are met. The MND should also address biological issues that are not addressed in the SAP and IA, such as specific impacts to, and mitigation requirements for, wetlands or sensitive species and habitats that are not covered by the SAP and IA.

The proposed Project is the redevelopment of a 2.39-acre site located adjacent to San Diego State University campus. The site is 0.2 mile south of Interstate 8, west of 55th Street, and northwest of Canyon Crest Drive. The objective is to demolish the existing buildings and construct a 6-story podium apartment complex that will consist of 90 multi-family housing units on top of a 48-space subterranean parking garage.

The Project site currently consists of 1.2 acres of mixed chaparral and 1.19 acres of disturbed land. The disturbed area consists of the current apartment complex, landscaped areas around the development, and the manufactured slope below the development. Direct impacts will occur to 0.25 acre of mixed chaparral and 1.18 acres of disturbed land. Approximately 0.66 acre of the City's Multi-Habitat Planning Area (MHPA) falls within the northwest boundary of the Project site. The development footprint encroaches into the MHPA by 0.1 acre. The City proposed a boundary line adjustment (BLA) on November 20, 2020, and the Department and U.S. Fish and Wildlife Service provided their concurrence. The approved BLA removes 0.1 acre of MHPA and adds an additional 0.3 acre, for a total of 0.96 acre of MHPA on-site. The City proposes to mitigate impacts to the 0.25 acre of mixed chaparral with pre-BLA-approved ratios, resulting in 0.78 acre of mixed chaparral being mitigated entirely within

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the MHPA on-site. Indirect effects will be minimized to less than significant following the City's Land Use Adjacency Guidelines in the SAP.

The western portion of the Project boundary contains an undeveloped steep canyon covered with mixed chaparral. Part of the slope is manufactured dating back to when the existing apartment complex was built. Chapter 14 within the City's Municipal Code specifies regulations for development on steep hillsides, as these topographic features are considered environmentally sensitive lands (ESL) by the City. Per the Biological Survey Report (BSR), no sensitive wildlife or plant species were observed on-site. The BSR suggests there is a moderate chance that two species on the Department's Watch List could be present due to suitable habitat on-site and in the adjacent canyon (mixed chaparral): Bell's sparrow (*Artemisiospiza belli belli*) and southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*) (California Natural Diversity Database, February 2021).

The Department offers the following specific comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources, and to ensure that the Project is consistent with all applicable requirements of the SAP.

1. The Avian Protection Requirements section of the MND does not indicate the size of the survey area for preconstruction surveys, nor the size of the no-disturbance buffers around possible nests. If Project activities cannot be avoided from February 1 through September 15, the Department recommends a qualified biologist complete a preconstruction survey no more than three days prior to the beginning of any Project-related activity for nesting bird activity within the limits of disturbance and a minimum of 500 feet from the area of disturbance. The nesting bird surveys should be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If Project activities are delayed or suspended for more than five days during the breeding season, surveys should be repeated. If nesting raptors and migratory songbirds are identified, the Department recommends the following minimum no-disturbance buffers be implemented: 100 feet around non-listed active passerine (perching birds and songbirds) nests, 300 feet around any listed passerine nests (e.g., California gnatcatcher), and 500 feet around active non-listed raptor nests. The buffers may be reduced, if appropriate, depending on site-specific conditions such as ambient levels of human activity, presence of visually shielding vegetation between the nest and construction activities, or possibly other factors. Buffers should be maintained until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

The Department appreciates the opportunity to review and comment on the MND and assisting the City in identifying Project impacts on biological resources. Questions

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regarding this letter or further coordination should be directed to Melissa Stepek, Senior Environmental Scientist at (858) 637-5510 or Melissa.Stepek@wildlife.ca.gov.

Sincerely,

DocuSigned by:

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David A. Mayer
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Reference

California Natural Diversity Database. February 2021. Special Animals List. California Department of Fish and Wildlife. Sacramento, CA.